III. REMARKS

Claims 1-12 remain in the application.

1. The Title has been amended to clearly indicate the invention to which the claims are directed.

2. Applicants appreciate the indication that claims 3, 4, and 7 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.

3. Applicants respectfully submit that claims 1, 2, 5, 6, and 8-12 are not anticipated by DeReus et al. (US 2002/0114085, "DeReus") under 35 USC 102(e).

DeReus fails to disclose or suggest an at least partly opaque or non-transmissive lever, and a bearance fulcrum about which at least a part of the lever is slewable at least partly in and out of the optical path by the use of a piezo-electric force, as recited by claim 1.

Applicants respectfully submit that DeReus neither discloses or suggest a lever nor a fulcrum. In addition, Applicants submit that none of the micro-electro-mechanical systems of DeReus are a lever of at least partly opaque or non-transmissive material.

Figure 3, cited in the Office Action mailed 22 February 2006 shows a substrate with a light path to a micro-electro-mechanical system 302. However, none of the disclosed micro-electro-mechanical systems are a lever that pivots about a fulcrum.

The American Heritage Dictionary of the English Language, New College Edition (Houghton Mifflin Co.) defines a lever as: a simple machine consisting of a rigid body, typically a metal bar, pivoted on a fulcrum. The same dictionary defines a fulcrum as: the point or support on which a lever turns.

Systems 104, 208, 302, 402, 502, 602, etc. use electrostatic, thermal, and magnetic actuation methods to move an optical component, but none of the methods use a rigid body that is the optical component, pivoted on a fulcrum. Instead, most of the embodiments make use of dissimilar materials that bend, actuators that move linearly, or micro motors that move in a curvilinear direction, to position an optical component that is not part of the actuator. However, none of the DeReus embodiments use a lever that turns on a fulcrum, where the lever is the optical component itself.

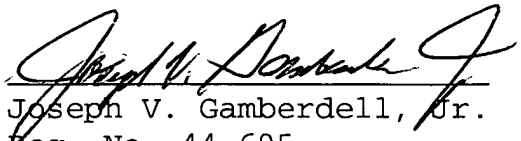
Paragraph [0074] of DeReus describes piezoelectric actuator designs but none include a lever that slews about a bearance fulcrum by use of a piezo electric force.

At least for these reasons, Applicants submit that DeReus does not anticipate independent claim 1 and dependent claims 2, 5, 6, and 8-12.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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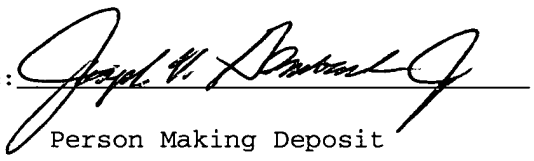
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 22 May 2006 Signature: 

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